

Exhibit “B”

Recorded Statement of Kelly Lyles
5630074898

1 MC: Today is Thursday, April 14, 2022, it's 10:45 a.m. This is Mark Charriez
2 with Zurich North America, and I'm here today with Ms. Kelly Lyles. I'm with
3 Ms. Lyles at her attorney, Carlos Santi's office, located at 2307 Douglas
4 Road, um, unit 302 here in Miami, Florida. I'm here today with Ms. Lyles in
5 reference to claim number 5630074898. This is a, uh, water, uh, damage
6 claim to the insured property located at 10395 Northeast 12th Avenue here
7 in Miami that occurred on November 10, 2020 due to, uh, tropical storm
8 Eta. Ms. Lyles, I, uh, appreciate you meeting with me, um, were doing so of
9 your own consent and free will.

10 Is it with your knowledge and understanding that our conversation and your
11 statement in reference to, um, your claim is being recorded today?

12 KL: Yes.

13 MC: Okay. And, um, also, this is, uh, not an examination under oath, uh, and
14 not to be construed as one, it's just a statement to discuss with you, um,
15 again, the, the claim that you have and to discuss the, the policy and such.
16 However, if at a later date one is necessary, then we reserve the right to do
17 that. And since we're here in Florida, I have to read you this. Any person
18 who knowingly and with intent to injure, defraud or deceive any insurer files
19 a statement of claim or an application containing any false, incomplete or
20 misleading information is guilty of a felony of the third degree.

21 KL: Okay.

22 MC: Do you understand all that?

23 KL: Yes I do.

24 MC: Do you have any questions?

25 KL: No.

26 MC: Okay. Alright. Um, could you state your full name for me?

27 KL: Kelly Elise Lyles.

28 MC: And your date of birth?

29 KL: October 10, 1976.

30 MC: And your Social Security Number?

31 KL: 279-72-8345.

32 MC: And your address?

33 KL: 10395 Northeast 12th Avenue, Miami Shores, Florida 33138.

Recorded Statement of Kelly Lyles
5630074898

1 MC: And what is the best contact number for you? Obviously, we, if we need
2 anything reference to the claim, we'll contact, uh...

3 KL: Okay.

4 MC: ... Mr. Santi, but...

5 KL: 305-904-0824.

6 MC: Okay. Alright. And what, do you go by any other names?

7 KL: No.

8 MC: Any nicknames or anything?

9 KL: No.

10 MC: Are you married, single?

11 KL: Single.

12 MC: Alright. And this phone number, 305-94-0824, that's the number of the cell
13 you have?

14 KL: Yes.

15 MC: And who is the carrier with that?

16 KL: T-Mobile.

17 MC: And, um, no, uh, land line at the home or anything?

18 KL: I do.

19 MC: Uh, what's that number?

20 KL: Um, I don't know it by heart.

21 MC: (*Inaudible.*)

22 KL: Do you want it?

23 MC: Please.

24 KL: Okay. Alright, (*inaudible*). Okay, um, 786-770-8222.

25 MC: Thank you.

26 KL: You're welcome.

Recorded Statement of Kelly Lyles
5630074898

1 MC: And, um, obviously, you are employed, are you so employed, or do you
2 work for someone?

3 KL: I'm self-employed.

4 MC: And what you do?

5 KL: I'm a realtor, real estate broker.

6 MC: Do you work for an agency in particular, or just yourself?

7 KL: My own.

8 MC: And then what, what's the name of that company?

9 KL: Kelly Lyles International Realty.

10 MC: And how long have you been doing that?

11 KL: Uh, about 15 or 17 years, at least now.

12 MC: Sure (*inaudible*). And 103, do you, have you owned any other properties?

13 KL: Not at this time.

14 MC: Alright. And so obviously, the, the insured property, during the, uh, policy
15 period with, uh, September 10 of 2020 and September 10 of '21, this
16 10395, um, is currently your primary residence?

17 KL: Yes.

18 MC: And when did you purchase the property?

19 KL: September 10, 2020.

20 MC: And at that time, was it your intention to live in the house? Or were you
21 going to rent it or lease it or...?

22 KL: Rent, uh, sorry.

23 MC: Okay.

24 KL: To live in it.

25 MC: Okay. And what was the condition of the house when you purchased it,
26 was it a fully intact house?

27 KL: Yes.

28 MC: I do you know when it was built?

Recorded Statement of Kelly Lyles
5630074898

1 KL: 1950.

2 MC: Did you have any inspections, anything done then?

3 KL: Yes. I had a full, um, inspection.

4 MC: Would it be possible to get it, do you have a copy of that?

5 KL: I can get it over, um, to, I don't have it.

6 MC: No, I understand.

7 KL: I have, yeah...

8 MC: I had, uh, I didn't think to ask...

9 KL: Yeah.

10 MC: ... at the time.

11 KL: Yeah.

12 MC: But can you get...

13 KL: I can, I can.

14 MC: Okay.

15 ATT: Yeah, I'm going to, I'll make that *(inaudible)*.

16 KL: Okay.

17 MC: Okay. And I'll leave you with my information and, like, I can give you one of
18 my cards and get one of yours and...

19 ATT: Okay.

20 MC: Perfect. Okay.

21 KL: I believe I submitted it when I got my insurance.

22 MC: Okay.

23 KL: Yeah.

24 MC: To, um, Nichole, uh, at, Mr. Cole?

25 KL: Um, you know when you get your insurance, you have to get, when you're
26 buying a new property, they ask you for, you know, all that, all that, like, four
27 point and, like, you know...

Recorded Statement of Kelly Lyles
5630074898

1 MC: Yeah.

2 KL: ... inspection, all that. Yeah.

3 MC: Would, um, that have been with Brightway Insurance?

4 KL: I believe so.

5 MC: Okay.

6 KL: Mm hmm.

7 MC: Alright. Um... So when you purchased it, what was, what was the condition
8 of the house? Any issues then, any leaks or anything?

9 KL: No.

10 MC: Roof and everything was fine until...

11 KL: Yes.

12 MC: Any issues with the roof, like, missing tiles, broken tiles, or anything like that
13 at the time?

14 KL: I can't remember.

15 MC: Okay. And so looks like you purchased the house on, on September 10...

16 KL: Mm hmm.

17 MC: ... and on September 10 got the policy with us?

18 KL: Yes.

19 MC: What type of policy did you get with us?

20 KL: I think it was, I'm not quite sure, but it may have been a builder's policy, I
21 think?

22 MC: And do you, um, have any idea or, or know the reasoning for that, instead
23 of getting a homeowners? Well, let me ask you this, when you bought the
24 house, were you planning on doing any renovations?

25 KL: Yes.

26 MC: Or anything? Okay. What, what were you planning on doing?

27 KL: Windows, doors. Just wanted the, um, kitchen and bath.

28 MC: Alright. I'm just putting the impact windows and doors?

Recorded Statement of Kelly Lyles
5630074898

1 KL: Yes. Mm hmm.

2 MC: Okay, let's see, windows, doors, plumbing...

3 KL: Plumbing, kitchen, bath, electric.

4 MC: So when you say plumbing and electrical, were you going to strip
5 everything down to the studs and redo everything?

6 KL: No.

7 MC: Or just...

8 KL: Just...

9 MC: ... saving, like...

10 KL: ... getting...

11 MC: ... removing stuff...

12 KL: Yeah. Like updates and things, you know?

13 MC: Okay.

14 KL: Um, um, like, move some stuff around, like, you know, like, that kind of...

15 MC: Yeah, yeah.

16 KL: ... those kinds of things, yeah.

17 MC: Okay. And do you know specifically what type of builder's policy they gave
18 you?

19 KL: Uh, I don't. I think it was, I do know that they said it didn't cover my
20 belongings in the house. You know? So maybe it was, yeah, I don't know.
21 Dwelling? I don't know.

22 MC: Um, gosh, I should've printed this out, I didn't think to, but when I was at
23 home, I printed the stuff out...

24 KL: Mm hmm.

25 MC: ... but this morning in the hotel room I pulled up, um, actually, let's
26 (*inaudible*). Sir?

27 ATT: Do you, do you want me to print...

28 MC: Oh, I don't, I don't have the capability to send it to you to print it out. I'm
29 sorry, it, so...

Recorded Statement of Kelly Lyles
5630074898

1 ATT: If, uh...

2 MC: ... I did take a picture of it.

3 ATT: ... do you have an iPhone?

4 MC: No.

5 ATT: Okay.

6 MC: And I don't, like I said, what I did was, it's not on my phone, it was on my
7 laptop. So I ended up just taking picture of it. But are, are you aware that,
8 um, the policy that was given was a, uh, builders risk for a new
9 construction?

10 KL: Oh, no. So is that, is that, you have to do, that house down to the studs?

11 MC: No. That means that there is no house there at all.

12 KL: Oh. No. I was unaware of that at all.

13 MC: Well. Um, let me see here. Feel like it, um, I'll show you this (*unintelligible,*
14 *speaking at the same time*)...

15 KL: Okay.

16 MC: ... and I'll show Mr. Santi, too, so it's a, uh...

17 KL: Oh, I can't see it.

18 MC: Yeah. It (*unintelligible, speaking at the same time*)...

19 KL: Is it okay if I zoom in a little bit?

20 MC: Absolutely.

21 KL: Because these are reading glasses, and I don't have the...

22 MC: So as you can see here, the policy period was from September 10, 2021 to
23 September 10, 2022.

24 KL: Okay.

25 MC: And then it's individual...

26 KL: '20 to '21.

27 MC: Yes, I'm sorry.

28 KL: Okay.

Recorded Statement of Kelly Lyles
5630074898

1 MC: '20 to...

2 KL: That's okay.

3 MC: ... '21, yeah.

4 KL: Mm hmm.

5 MC: And then, um, if you go down, it's a one shot, and here's the address...

6 KL: Uh huh.

7 MC: And it's for new construction, there's nothing covering under remodeling,
8 which, with a remodel policy, there's pre-existing, and then it covers that.
9 Are you aware of that?

10 KL: No.

11 MC: Okay.

12 KL: So this must be, you know, the, uh, this must be the...

13 MC: This is actually the picture the policy number that I took, it's for Ms. Lyles,
14 and again, the policy period is September 2010, 20 to the 21st and then the,
15 uh, it's new construction. It's not for remodeling. So when, and let me ask
16 you this, when you spoke with, the agent that you spoke with, do you recall
17 a, a, an Alexander Cole, or...

18 KL: Yes.

19 MC: ... Mr. Cole?

20 KL: Mm hmm.

21 MC: Were you, um, initially, now I'm just asking...

22 KL: Yes.

23 MC: ...were you initially not approved for a homeowners because of the
24 condition of the roof?

25 KL: Um, no, so I don't know. Um, you know, when, I know that when I
26 purchased the house that I was going to do some work on the property, and
27 so I conveyed that to, um, Alexander.

28 MC: Mm hmm.

29 KL: Um, and he said, okay, well, if you're going to do work on the house, then
30 you have to get this type of policy. So that's, you know, my understanding
31 as to why I had to get this particular policy. Not that. I mean, I wasn't...

Recorded Statement of Kelly Lyles
5630074898

1 MC: Okay.

2 KL: ... I wasn't aware that that was, he put me under something that says no
3 dwelling, because, I mean, there was definitely a dwelling there, definitely
4 had an inspection, definitely sent in the four point, but I definitely, I told him
5 that, you know, I was going to do work to, to the, to the property. And...

6 MC: Did, did you tell him at any point that you were going to tear the house
7 down and rebuild new?

8 KL: No. That was never my plan...

9 MC: You sure...

10 KL: ... at all.

11 MC: ... you, you never told him that?

12 KL: Yeah. I've never said that, not one single time. That, I, I don't even have
13 the budget for anything like that, you know?

14 MC: Okay. When you filled out the policy application, did you filled out yourself,
15 or did he fill it out for you, or...?

16 KL: That was something...

17 MC: Or...

18 KL: ... he did, because I wouldn't know how fill out a policy application.

19 MC: Okay, so...

20 KL: I believe he asked me for my, uh, address, the property address, phone
21 number, uh, all, all that stuff, and then all my, um, you know, mortgage stuff,
22 you know?

23 MC: So he fill out the application for you, you didn't?

24 KL: I believe so.

25 MC: Okay. Um...

26 KL: Or I don't remember. I mean, I don't, I don't know what the answer is, so, I,
27 I don't think I did.

28 MC: Well, can you try to think to remember, 'cause that's an important piece,
29 'cause I need to know whether you did or not.

30 KL: I, I don't, I don't know.

Recorded Statement of Kelly Lyles
5630074898

1 MC: Okay. Um, here is, and the reason why I'm asking is because here's
2 another screenshot of the actual policy application.

3 KL: Okay.

4 MC: And...

5 KL: If it's handwritten, I'll be able to tell...

6 MC: Well...

7 KL: ... if it's me.

8 MC: ... it's not handwritten. And it asks...

9 KL: Okay.

10 MC: ... is this new construction of a single-family dwelling?

11 KL: Oh.

12 MC: And it was answered yes.

13 KL: Then I didn't do it.

14 MC: And then it says, is this home more than 30 percent complete? And it's
15 answered no.

16 KL: So he must've filled that out.

17 MC: Okay.

18 KL: Because I wouldn't even know how to answer that.

19 MC: And from my recollection and speaking with him, and so that's why I want to
20 know, are you the one that fill this out, or did he, because if he did it, then
21 maybe it was as a result of, 'cause at one point, I believe him telling me that
22 when he spoke to you, um, you had mentioned that you were going to tear
23 the house down and rebuild it.

24 KL: Never. Never ever, ever. That's never been my plan, ever. I don't, I don't,
25 no.

26 MC: Okay.

27 KL: Absolutely not.

28 MC: And so the policy that you were given is for new construction that doesn't
29 cover any pre-existing.

Recorded Statement of Kelly Lyles
5630074898

1 KL: He's lying.

2 MC: In your house, obviously, is pre-existing.

3 KL: Yes. Pre-existing. So I, I have to check, because I may have some emails,
4 and if I do, I'll send them, um, to Carlos, and then he'll send them to you,
5 but I may have emails where I told him, like, I'm going to redo the doors and
6 the windows, and, you know...

7 MC: Please do...

8 KL: Yeah.

9 MC: ... 'cause that's the only thing...

10 KL: Yeah.

11 MC: ... he (*unintelligible, speaking at the same time*)...

12 KL: Yeah. I'll definitely look into that.

13 ATT: And we may have to sue the, the agent.

14 KL: Yeah.

15 MC: That's me at this point, because the policy that you have...

16 KL: Right.

17 MC: ... at this point doesn't appear to cover the house, because it's a new
18 construction...

19 KL: Right.

20 MC: ... from the ground up, and I can send you that to collect.

21 KL: That's really interesting.

22 ATT: Well, I may have, we may have a (*unintelligible, speaking at the same*
23 *time*)...

24 KL: Yeah.

25 ATT: ... claim on the agent's insurance.

26 KL: I believe so, because that, like, that, that has never been my, like, that has
27 never been my plan at all. You know? So I wouldn't even be, be able to
28 say that I'm going to tear down a house if that was never my plan. I said
29 I'm going to redo the windows, the doors, and just get the house up so that I
30 can save money on insurance, as well. You know? Like, the windows are,

Recorded Statement of Kelly Lyles
5630074898

1 like, old, from, like, whatever year, and I think, and it wasn't modernized,
2 you know? So I mean, like, I wanted the house to be, like, you know, more
3 like my style, you know? And less like, you know, that. But tearing down?
4 Yeah. Crazy.

5 MC: Hm.

6 KL: Maybe he checked the wrong box on his, never mind. I'll just, I'm not going
7 to say anything. I'll just, I'll see what I have on email.

8 MC: Well, see, here, here, here's the situation, I understand what you're saying,
9 may be checked the wrong box on accident...

10 KL: Right.

11 MC: ... but there's not only the box checked for, you know, new construction,
12 there is also these answers...

13 KL: Yeah.

14 MC: ... where it says the houses being built from the ground up.

15 KL: Yeah.

16 MC: And, um, that the house is less than 30 percent complete.

17 KL: Right.

18 MC: I mean, if you're, uh...

19 KL: Yeah.

20 MC: ... and again, I apologize, I should have...

21 KL: Yeah, it's okay.

22 MC: ... straightened this out, Mr. Santi, but, um... There again, so this, so this a
23 copy of the, uh, application that I just...

24 KL: Mm hmm.

25 MC: ... took a picture of, so it's builders risk, your business...

26 KL: Mm hmm.

27 MC: ... it's, uh, your name...

28 KL: Mm hmm.

Recorded Statement of Kelly Lyles
5630074898

1 MC: ... it's got policy dates and everything here. I don't know why this keeps
2 messing with me.

3 KL: Okay.

4 MC: It says is this new construction of a single-family dwelling with a total
5 completed value of \$500,000.00 or less and it was answered yes. And it
6 says, does builder, and it says, is the home less than 30 percent complete?
7 And it is more than 30 percent complete, so the answer is no. So the, if, if
8 this, if you were given a new policy...

9 KL: It's a new home...

10 MC: ... for new home being built...

11 KL: Right, right.

12 MC: ... there's no pre-existing coverage. There (*unintelligible, speaking at the*
13 *same time*)...

14 KL: Right, but here's the thing, there was a structure on the, on, on, there was a
15 structure on the property. You know? So, so wasn't saying that I'm going
16 to tear it down? Is that, is, I mean, because if I've given...

17 MC: In my conversation with him, 'cause I, I initially called him to ask him about,
18 'cause when we realized that, you know, that this policy that you have is for
19 new construction...

20 KL: Mm hmm.

21 MC: ... um, 'cause obviously, there's differences, if somebody purchases a
22 home and it's already pre-existing, and they're going to tear it down, and
23 they want coverage for what's already there.

24 KL: Right.

25 MC: And then whatever is built new after that.

26 KL: Right.

27 MC: You know, obviously, there's different policy types. Some people, I don't
28 know why they would, but they just get, you know, a policy for what's being
29 added to it, but if something happens to the entire structure, then it's not
30 going to cover what was there before.

31 KL: Right.

32 MC: So most people get pre-existing, remodeling.

33 KL: Mm hmm.

Recorded Statement of Kelly Lyles
5630074898

1 MC: You were given and it, this policy that you have is for new construction from
2 the ground up, and again, the question is answered, is this 30 percent
3 complete or more...

4 KL: Yes.

5 MC: ... it's answered no. Yes, this is new construction. So the policy doesn't
6 cover, it's not made for anything that's already there.

7 KL: Right, right.

8 MC: So I called him to ask him, you know, what was the reasoning, do you know
9 why this was, and, um, you know, I was told that you had told him that you
10 were, you know, tearing it down and rebuilding...

11 KL: He's not being honest.

12 MC: ... from the beginning.

13 ATT: Uh, that's weird. Didn't he receive the four point inspection...

14 KL: Yeah.

15 ATT: ... for the doors and the windows and (*unintelligible, speaking at the same*
16 *time*)...

17 KL: For all of that.

18 MC: I, I have that...

19 ATT: For all of it.

20 MC: ... so that's the other part.

21 KL: All of that.

22 ATT: So it seems like he was...

23 KL: Yeah.

24 ATT: ... like, uh...

25 KL: He wanted to get the coverage.

26 ATT: ... and...

27 KL: Maybe.

28 MC: I can't answer that, I don't know.

Recorded Statement of Kelly Lyles
5630074898

1 KL: I mean, uh, I'm thinking, because I made it very clear, you know? That
2 that's what I was doing, and he said you have to get this type of policy. And
3 he never said it was, um, a policy for new construction of a home that's
4 being torn down. I never in my wildest dreams, that was never, ever my
5 intention on tearing down my existing home and building a new home. Like,
6 it just didn't dwell...

7 MC: Alright. Well...

8 KL: If that's the case, why, I wouldn't have needed, like, a four point inspection
9 and all that other stuff, right?

10 MC: Well, I understand, and I actually have the four point inspection right here.

11 KL: Okay.

12 MC: That was done August 6 of '20.

13 ATT: So I don't need to send it to you anymore?

14 KL: Yeah.

15 MC: No, so this is the, this is the one that was done when you purchased the
16 house?

17 KL: Yes.

18 MC: Oh, okay. I thought this may have been done by the, by them or
19 something?

20 KL: No. Mm-mm. That's, that's what was done when I, when I, when I bought
21 the house?

22 MC: Okay, done by Allied?

23 KL: Yeah. Wait, wait, when was this?

24 MC: August 6, 2020.

25 KL: Yeah. Yeah.

26 MC: Okay. And then in here, it mentions that the estimated 40 damaged,
27 cracked roof tiles?

28 KL: Okay.

29 MC: So now that, now that we've got that out of the way, let's talk about, like I
30 said, as, as far as, you know, since I'm here, I'd like to talk to about that
31 anyway because at this point, I don't know what's going to happen with that.
32 But let's move forward...

Recorded Statement of Kelly Lyles
5630074898

1 KL: Okay.

2 MC: ... with our statement like we were anyway...

3 KL: Okay.

4 MC: ... with, with, with, the, the home itself.

5 KL: Okay.

6 MC: That way we're covered...

7 KL: Okay.

8 MC: ... and then I guess it'll be decided what's going to happen.

9 KL: Okay.

10 MC: After the fact.

11 KL: Alrighty.

12 MC: But, um, the report came in to us when the claim came in, came in on, um,
13 December 10, 2021 by Grace Tillman, I guess, is she someone in your
14 office here?

15 ATT: Yes.

16 MC: Okay. And the loss was reported again to have occurred November 10,
17 um, due to tropical storm Eta. What was the, uh, the reason for the late
18 reporting in that? 'Cause that's, um, you know, almost, uh, actually, almost
19 over a year later.

20 KL: Yeah. So the reasoning for that is because I wasn't living in the property,
21 and that's when I noticed, um, the damage. Um, I wasn't living in the
22 property the entire time, because I would have construction going on at the
23 home, and then once I, you know, everything was all painted and, you
24 know, like, fresh and new, and, you know, that's when I noticed it.

25 MC: So when did you move in?

26 KL: I moved in, I want to say July of, of 2021.

27 MC: Okay. Uh, did anybody, during the construction phase, mention anything to
28 you about...

29 KL: No.

30 MC: ... um, mention anything about seeing any leaks or anything?
31 (Unintelligible)-wise while...

Recorded Statement of Kelly Lyles
5630074898

1 KL: No.

2 MC: ... even though you are living there, did they notice anything or did they say
3 anything or maybe (*unintelligible, speaking at the same time*)...

4 KL: Well, I just want to go, go back. So I did live in the property, uh, for a few
5 months. And then as construction started going on I moved back. You
6 know, like, when I first, when I bought the house, I did live there, you know?
7 Like, I mean, and it's, and it's (*unintelligible*)...

8 MC: So, so it was livable the day, the first day you bought it?

9 KL: Yes.

10 MC: So moved in September, moved out in July. Or, no.

11 KL: No. I moved in in September, and I moved out in, I want to say January,
12 because that's when I have all my permits, everything all approved...

13 MC: January 2020...

14 KL: ... January or February.

15 MC: ... was that September of 2020 or...?

16 KL: September, September 2020 is when I moved in, when I bought the house,
17 right? And then I moved out, like, January or February of 2021.

18 MC: Due to construction?

19 KL: Yes. Due to construction, dust, all that other stuff, you know? And I tried to
20 stay there as long as I could, but, you know, you can't...

21 MC: Yep.

22 KL: ... breathe that in all day.

23 MC: And then you moved back in in July?

24 KL: Yeah.

25 MC: And (*inaudible*). Okay. Um, was anything done there, um, as far as
26 mitigating any other loss in December of '21?

27 KL: Mitigating?

28 MC: Yeah.

29 KL: You mean...

Recorded Statement of Kelly Lyles
5630074898

1 MC: Like, like...

2 KL: Yeah, I know what the word, but loss? Was anything done to the roof?

3 MC: Was, was, well, was there any activity since December of '21 for any, uh,
4 leaks or...

5 KL: No.

6 MC: No, okay. Alright. Um, at the time of your renovations...

7 KL: Mm hmm.

8 MC: ... you had mentioned that they were going to give you, you had put impact
9 doors and windows. Um, due to moving some things, you were going to,
10 you know, fix or update, you know, plumbing and electrical, and then you
11 were, you were going to redo the kitchen and the baths.

12 KL: Exactly.

13 MC: Did you have any intentions to come to do anything with the roof?

14 KL: Um, not at that time. I was, I, I believe they said I had maybe five years,
15 but, something like that on the roof, you know? So it was not my, it was not
16 my immediate...

17 MC: Not at that point.

18 KL: Yeah.

19 MC: Basically.

20 KL: Mm hmm.

21 MC: Okay. Um, has anything been done to the roof since then?

22 KL: I had a repair.

23 MC: When did you have a repair?

24 KL: Um, in November of last year.

25 MC: November of '21?

26 KL: Yes.

27 MC: Okay.

28 KL: Do you mind? I just, I....

29 ATT: No.

Recorded Statement of Kelly Lyles
5630074898

1 KL: Okay. Sorry about that. *(Speaks off phone.)* Okay, that's fine.

2 MC: So it was replaced, which is prepared?

3 KL: Yes.

4 MC: In November of 2021? And then who did that?

5 KL: Um, Isaac's Roofing.

6 MC: Are they here in Miami, I'm assuming?

7 KL: Yes they are.

8 MC: Okay. And what did they do?

9 KL: Repair. I don't, yeah.

10 MC: User know what the repaired, they're just...

11 KL: Yeah, they repaired, um, the area where there was the leak, you know? So
12 outside of the house.

13 MC: And where was the area of the leak?

14 KL: Um, so if you're facing my house, it's, like, on the, the right. Um, and it's
15 like in the master, uh, the, uh, owner's closet.

16 MC: Master bedroom closet?

17 KL: Yeah. Um...

18 MC: Okay. And any other places?

19 KL: No.

20 MC: No?

21 KL: That, that's the only *(inaudible)*.

22 MC: Um...

23 KL: *(Inaudible.)*

24 A ... was there any interior water damage prior to November, November 10,
25 2020?

26 KL: No. Wait. What was the question?

27 MC: Was there, was there any interior water damage prior to the storm on
28 November 10, 2020?

Recorded Statement of Kelly Lyles
5630074898

1 KL: Um, no. Sorry, I'm just trying to get...

2 MC: No, that's okay.

3 KL: ... I can hear and get some stuff together.

4 MC: If you happen to know how old the roof was when you purchased it, or...?

5 KL: No. Mm-mm. I don't...

6 MC: Do you, did, did, I guess the seller anything to you that it's been, 'cause
7 obviously, it was built in the '50s, as you said...

8 KL: Yeah.

9 MC: ... and I'm sure since then some stuff has been done, but...

10 KL: Yeah.

11 MC: ... do you know when or anything?

12 KL: No.

13 MC: Alright.

14 KL: I didn't have access to the seller, uh, previous seller, because he had
15 passed away.

16 MC: Okay. Do you have homeowners insurance now on the property?

17 KL: Yes.

18 MC: And who is that with?

19 KL: I don't know. I think it's, um, I don't know.

20 MC: Okay.

21 ATT: I think it's Assurance.

22 MC: Assurance? Yeah.

23 ATT: Does that sound familiar?

24 KL: Yeah.

25 MC: Okay. Um, have you filed any other claims for this?

26 KL: For?

27 MC: The water damage or anything?

Recorded Statement of Kelly Lyles
5630074898

1 KL: No. I have, I do have another claim, but not for the roof. Um, not for that
2 water damage, but I do have another claim.

3 MC: Okay.

4 KL: With the insurance.

5 MC: Um... What, what's your claim with the, Assurance?

6 KL: Um, it's plumbing, water, cast iron, something like that?

7 MC: I'm sorry, what?

8 KL: Plumbing.

9 MC: Oh, and it...

10 KL: Mm hmm.

11 MC: ... did that because in the water damage?

12 KL: Um, it caused damage, like, backups, backup sewage in my shower,
13 different things like that. The cast iron pipes.

14 MC: Okay. And what, whatever water damage had occurred to that? Like,
15 flooring and stuff, or, or just your...

16 KL: I'm not sure. It was like, I think stuff just needed to be changed.

17 MC: And so you, you filed a claim with Assurance, but that's still pending, it's still
18 open, nothing has been paid or anything like that?

19 KL: Uh, they have paid, they paid, they did pay. It, uh, yeah.

20 MC: Okay. Do you...

21 KL: Yeah.

22 MC: ... know when that was?

23 KL: Um, December? Of 2020?

24 MC: Okay.

25 KL: Mid-December.

26 MC: Of 2020?

27 KL: 2021. Sorry.

28 MC: Alright. Okay. Would that have been American Security?

Recorded Statement of Kelly Lyles
5630074898

1 KL: American Security?

2 MC: Uh...

3 KL: Which would've been Assurance.

4 MC: ... I'm showing a claim December 3, 2021. With American Security.

5 ATT: That sounds about right. 'Cause they have a bunch of insurance
6 companies under that...

7 KL: Oh, okay.

8 ATT: ... name.

9 KL: Okay.

10 ATT: Assurance.

11 KL: Okay. So then that must be the name.

12 MC: Um... Let's see here, December 3, 2021, water damage, um, it doesn't go
13 into specifics, but it's American Security Insurance. Um, and it's, just says,
14 you know, property water damage and \$15,457.00 was paid.

15 KL: I think the amount was less. Maybe it went to my, I mean, I think the
16 amount that I received was less...

17 MC: Mm hmm.

18 KL: ... but, um, maybe it went to my, maybe you have a deductible or
19 something like that.

20 MC: Okay.

21 KL: Yeah.

22 MC: Alright, so...

23 KL: I don't remember it. Okay, yeah, it was \$12,000.00.

24 MC: American Security...

25 KL: Yeah, that's the insurance company.

26 MC: Yeah, that's it. Okay.

27 KL: Uh, yeah.

28 MC: So...

Recorded Statement of Kelly Lyles
5630074898

1 KL: Is there a deductible? Yeah, yeah, yeah, so that's correct. Yeah.

2 MC: And so you're saying that is for, uh, uh, a totally separate issue?

3 KL: Totally separate.

4 MC: Okay.

5 KL: Like, completely, completely, completely separate.

6 MC: Okay.

7 KL: Yeah.

8 MC: Alrighty. Um, but for these damages here, at the time, you didn't have any

9 other insurance company...

10 KL: No.

11 MC: ... this is what you had.

12 KL: That's all I had.

13 MC: And you haven't filed anything else for the roof damage or anything?

14 KL: No.

15 MC: Okay.

16 KL: No.

17 MC: Um, when you first noticed the damage, what kind of physical damage was

18 it that you saw?

19 KL: So, when I first noticed, I just, I, I didn't, it wasn't anything that I really

20 notice, but the ceiling just felt, the ceiling just, like, like, I noticed, like,

21 maybe a little bit of, like, you know, um, I guess maybe discoloration? But I

22 wasn't really sure.

23 MC: Um...

24 KL: Yeah, but, see, it's in a closet, so you don't really look up, you know?

25 MC: Mm hmm.

26 KL: I mean, you know, it's not like the rest of the house where you're just, like,

27 you know, like, you know, noticing everything, like when I go in the closet

28 I'm normally like, very, very pinpoint on what I want to get from the closet.

29 And it's in, like, it's in a corner area, and the closet is, like, like, redone, you

30 know? So it's just, like, shelves and stuff like that...

Recorded Statement of Kelly Lyles
5630074898

1 MC: Right.

2 KL: ... I didn't get, like, immediately, like, notice it, but I guess as time went on,
3 and then it broke, it broke, you know? Or bubbled, you know? That's when
4 I said oh, wait, there's a problem, and it, like, leaked on my clothes.
5 Because one day I was just was like, oh, why is my dress wet? And that's, I
6 looked up and was just like, oh, snap, like, yeah. That's when I called.

7 MC: Um, was there any protective measures taken at that time, um, once he
8 realized that, to prevent anything else? Did you call them or someone,
9 or...?

10 KL: Um, I called, uh, that's when I called the roofer, you know? And, you know,
11 got a roofer out there, you know, got a roofer...

12 MC: You called them and they came out?

13 KL: Yeah, yeah, I called in.

14 MC: And that's, so you called...

15 KL: Isaac's.

16 MC: ... is that when you called Isaac Roofing?

17 KL: Yes.

18 MC: And they came. So, so when was it that you would have, uh, first seen that
19 damage? When you, so you saw that, when you first noticed it, the, your
20 dress?

21 KL: So when I, when I noticed it, that's when I called. Mm hmm.

22 MC: So it would've been November?

23 KL: Yeah.

24 MC: So, I mean, maybe, give or take, give or take a few days, you know?
25 Because, you know, you're like, okay, but, like, I mean, my closet is, you
26 know, important to me, and what it, what it contains and so, I mean, I
27 wanted to make sure that I got that taken care of.

28 MC: Okay.

29 KL: Quickly.

30 MC: Do you know if there had been any physical impact to the, to the tiles, to
31 any roof, limbs above the, I know in, in aerial photos, there are some trees
32 there the cover...

Recorded Statement of Kelly Lyles
5630074898

1 KL: Oh...

2 MC: ... all of the...

3 KL: ... all those trees were cut as soon as I moved in, so none of that, there is
4 nothing close to the house. Um, at all. Like, the, all the landscaping was,
5 like, you know, torn down...

6 MC: Okay.

7 KL: ... and, like, done new. Mm hmm.

8 MC: Alright. Um, in photos of the room, too, there were some, in roof dents that
9 were bent. Did they explain that to you, if...

10 KL: What roof vents? What roof vents?

11 MC: Roof vents that, uh, venting the roof were, were venting, closed over, and it
12 looked like maybe it's pretty, to prevent animals from coming in. I don't
13 know if they changed the roofing system or something, but...

14 KL: I don't know.

15 MC: You know anything about that?

16 KL: Mm-mm.

17 MC: Okay. Um...

18 KL: Was that recently?

19 MC: It just, when the, when, I guess after you filed your claim, when our building
20 insulted when up there, they noticed that.

21 KL: Oh, okay, okay. Okay.

22 MC: Um, do you know if there's any insect damage, termites or anything? To
23 the...

24 KL: No. I have the house, um, I had the house tented because, um, that's when
25 I, when I bought the house and remember I told you I was living in it, like, I
26 did hear, like, some stuff going on, you know? Like, and, and so I
27 immediately got the house tented and, but, you know, like, the stuff that's in
28 the house, you know, like, it used to be, like, I'd have, like, little holes and
29 stuff in them and, you know, that was repaired, too, so, um, I don't, like, the,
30 that wouldn't be from, you know, me. Like, I got, I had the house tented
31 and termited, um, and, you know, it's...

32 MC: Okay.

Recorded Statement of Kelly Lyles
5630074898

1 KL: ... and all that. Yeah.

2 MC: Alright. And, um, I know you already mentioned this, but just to recover it.

3 KL: Okay.

4 MC: So at the time of, you noticed that back in November, the only policy that
5 you had was this policy, no other coverage, and as soon as you noticed it,
6 you called in and don't have any other claims or anything on this at all?

7 KL: No.

8 MC: The only other claim that you do have is once you got homeowners, you
9 had an issue with that, with the, uh, you said with the, um...

10 KL: Plumbing.

11 MC: ... plumbing, the, um...

12 KL: Mm hmm.

13 MC: ... cast iron?

14 KL: Yeah. Like, backing up and stuff.

15 MC: Okay. And that's with the American insurance that you...

16 KL: Yes.

17 MC: ... saw? Okay. Um, okay. Um, alright. Um, just real quick...

18 KL: Okay.

19 MC: ... I just need to go over, just summarize what we already talked about. So,
20 uh, again, you purchased the home in September of '20. You immediately
21 called to get coverage with it, and you spoke to Alexander Kole over at the,
22 uh...

23 KL: Brightway.

24 MC: ... Brightway Insurance. And explained to him that you were wanting to do
25 remodeling.

26 ATT: Well, she talked about doing a homeowners.

27 KL: I talked to him about getting insurance. And...

28 MC: Yeah, tell it...

29 KL: Yeah.

Recorded Statement of Kelly Lyles
5630074898

1 MC: ... tell me how that, that...

2 KL: Yeah.

3 MC: ... came to be.

4 KL: So I talked to him, I need a policy, I'm closing on the property, I need a
5 policy. And he's like, okay, the, the house has up-to-date, like, hurricane
6 windows, this, this, that, I said, no, but I'm going to do all that. You know?
7 As soon as I get the house, I'm going to do construction on the house, like
8 I'm going to remodel. And do new windows, doors, kitchen, like, you know,
9 I mean, I just didn't, you know, like, and so he said, okay, are you going to
10 live in the house? Yes, I'm going to live in the house. Like, he even knew
11 that I was going to live in the house as my primary residence, so on and so
12 forth. And so that was the conversation with him.

13 MC: Okay.

14 ATT: And you did not know that he give you a new construction policy?

15 KL: No. No clue.

16 ATT: And, and at no time, did you ever tell him that you were going to tear the
17 house down...

18 KL: Never.

19 ATT: ... and build a new, got you.

20 KL: I would have never, I, I don't know what to look for on a policy, because I do
21 real estate, but, you know, I'm assuming as he, the professional that I have
22 already conveyed, you know, everything it is that I'm going to do, my plans,
23 and this is, you know, what I want to do, he, um, that it's going to be
24 covered, you know? The one thing that he did tell me is this only covers the
25 structure of the home, it does not cover your personal to welcome your
26 personal belongings. So that was something that I, why I immediately put
27 security cameras all around my house the moment that I moved in,
28 because, you know, I did have things in the garage, I had, you know,
29 furniture, like, you know, just little stuff...

30 MC: Alright.

31 KL: ... not a lot of stuff, because, you know, I was going to, um, be, um, you
32 know, living there, but, and the house was going to be under construction,
33 but I wanted to make sure, that's why, you know, I have my items protected,
34 even put a camera in the garage, because I knew that my personal
35 belongings wouldn't be covered under the policy.

36 MC: Alright.

Recorded Statement of Kelly Lyles
5630074898

1 KL: So, yeah.

2 MC: Okay. And so you moved in, um, you had the four point inspection, there
3 was no damage, and visible water damage, anything going on?

4 KL: No.

5 MC: You didn't know of any issues with the roof, however the inspection does
6 say, um, you know, there were tiles broken, but it doesn't mention anything
7 about any damage that was visible, so... You lived in it for a period of time,
8 and then once construction started you moved out?

9 KL: Yeah. Once I had the...

10 MC: And then you moved back in in July, I believe you said?

11 KL: Yeah.

12 MC: And then it, and then around November, after this storm, you noticed
13 leaking in the roof?

14 KL: So...

15 MC: Or you noticed, not necessarily leaking in the roof, but you noticed...

16 KL: Yeah.

17 MC: ... stains on the, the...

18 KL: Yeah. And the, and, and drops. Live drops of water.

19 MC: Okay.

20 KL: Yeah.

21 MC: And then at that point, you went and hired...

22 KL: Yeah.

23 MC: ... um, Isaac's Roofing to go up there and fix it, correct?

24 KL: Correct.

25 MC: And then how much did, do you recall how much they charged you for the,
26 how much that, that was, or how much that cost?

27 KL: I believe it was \$2500.00. \$2500.00.

28 MC: Okay. Alright. November 2021. Okay. So going back to November of '21,
29 so November of '21 was when you noticed it?

Recorded Statement of Kelly Lyles
5630074898

1 KL: Yes? Yes.

2 MC: Okay.

3 KL: Of '21, yeah.

4 MC: Alright.

5 KL: Alright, this, this is after (*unintelligible, speaking at the same time*)...

6 MC: Yeah, I know it, no, no, no...

7 KL: ... after (*unintelligible, speaking at the same time*)...

8 MC: ... so, so, no, no, no...

9 KL: ... for any concerns.

10 MC: ... so going back then, so, the storm Eta was in November of '20. So you
11 had all year after the storm that you didn't see any damages or anything
12 there?

13 KL: Yes. Exactly.

14 MC: Okay. What, uh, and, and I guess my question is, is, and I'm just asking
15 you...

16 KL: Yeah, yeah.

17 MC: ... what, what, what makes you think that what, that what happened in
18 November of '21 was attributed back to what happened to Eta in '20?

19 KL: Okay.

20 MC: A year later.

21 KL: So when Isaac's Roofing came to the property and we were discussing,
22 like, you know, the roof, it was suggested also that it may have been from
23 the wind damage, you know, and things of that nature, so that's why I think
24 that. And also in speaking with Jonathan, you know, he has mentioned
25 something about that as well, like, you know, it may have been from,
26 contributed to that. Eta.

27 MC: Now Jonathan with the, the public adjusting? Or, is Jonathan, with the
28 public adjuster, with the public adjuster?

29 ATT: He's, uh, the public adjuster, but he's the loss consultant, as well.

30 MC: Okay. Now is he part of, I guess, your firm here?

Recorded Statement of Kelly Lyles
5630074898

1 ATT: Yes.

2 MC: Okay. Okay. And so I'm sorry, when you, so after that, um, in November of
3 '21, that's when you notified, I guess you can be you called them to
4 represent you for the claim? Or how did that go about?

5 KL: Yeah, so, um, I was, in speaking to just, you know, like, friends of, like, you
6 know, like, you know, hey, this is what I have going on and I, one of my
7 attorney friends, she said maybe you should probably, you know, consult an
8 attorney about, you know, this, that's what you have insurance for, you
9 should, like, talk to an attorney, and so that's when I Googled and, you
10 know, came up with you and, yeah, and I called him. Do you mind one
11 second?

12 MC: Okay.

13 KL: *(Speaks off phone.)* Okay.

14 MC: Okay, I got you. So that's when you called Jonathan?

15 KL: No. I called directly here.

16 MC: Oh, okay...

17 KL: Yes.

18 MC: ... and then they say open Jonathan to go and start looking at the property
19 and, and...

20 KL: Yeah.

21 MC: Okay.

22 KL: But I had already had, like, I may have suggested to him, you know, that,
23 you know, this is, you know, I was told that this may be...

24 MC: As a result of Eta?

25 KL: Yeah.

26 MC: Okay. But you don't know that for sure?

27 KL: I mean, it's high, that seems like they could be the only thing, because...

28 MC: Well, I understand...

29 KL: ... you know? I mean the, the roof was leaking when I purchased the
30 house, you know? And then all of a sudden, you know, um...

31 MC: Uh, well, this is a year later, though. It wasn't all of a sudden.

Recorded Statement of Kelly Lyles
5630074898

1 KL: Well, I mean, who knows, like, I mean, a leak, maybe it was just leaking
2 inside and, you know? It took that long...

3 MC: I, I guess my question is...

4 KL: ... to get...

5 MC: ... there is, other, other than, other than the roofer telling you that it could've
6 been a result from the wind damage and rain back in Eta, there's, you don't
7 have any proof or evidence that that's what caused?

8 KL: Yeah. I just...

9 MC: Okay.

10 KL: ... I, I sell real estate...

11 MC: I understand.

12 KL: ... I have clothes, and, you know, fashion...

13 MC: And, and, and then...

14 KL: Yeah, and travel.

15 MC: ... you got (*unintelligible, speaking at the same time*)...

16 KL: Yeah, yeah.

17 MC: ... to do.

18 KL: Yeah, yeah.

19 MC: I understand. Um, like I said, as far as the policy, I don't, I guess that's
20 going to have to be...

21 KL: Yeah.

22 MC: ... looked at to see, um, just, you know, it is what it is, policy that you
23 have...

24 KL: Doesn't even cover that.

25 MC: ... as it stands right now, doesn't cover the house, it's for new construction,
26 so...

27 KL: That's so crazy.

28 MC: So...

29 KL: Can you imagine if my house got really, like, swept up?

Recorded Statement of Kelly Lyles
5630074898

1 MC: Or, or burned in a fire.

2 KL: Right. That's wild.

3 MC: Yeah, so...

4 KL: That is wild.

5 MC: Is there anything else you want to add or state?

6 KL: No, I, I, I'm just, I'm truly blown away about this. This other situation. Like,
7 I'm surprised the bank didn't say anything about that.

8 MC: Who, who is...

9 KL: You know?

10 MC: ... yeah, but who, who is, who is the bank? Who is, who has a mortgage on
11 the bank?

12 KL: Uh, I think Finance of America.

13 MC: And I should've asked you this earlier, when, when you bought the house in
14 September, is it '20?

15 KL: Uh huh.

16 MC: What, what did you pay for the house?

17 KL: \$620,000.00.

18 MC: Okay. Alright, and it's mortgaged with Finance of America?

19 KL: Yeah.

20 MC: Okay. And were they the ones, I guess, that, um, at closing, there were the
21 ones that provided, 'cause sometimes during closing, you know, that's when
22 the insurance is gotten and all that, and that's what happened at that point?
23 It, was it during the closing or after the close that you went and got
24 insurance?

25 KL: No. Before. I mean, like, I, I was in contact with, uh, Brightway.

26 MC: Okay, so you, you obtained an insurance on yourself? Uh, or...

27 KL: I, yeah.

28 MC: ... on your own?

29 KL: Yeah.

Recorded Statement of Kelly Lyles
5630074898

1 MC: I got you.

2 KL: I, yeah.

3 MC: 'Cause sometimes, you know, sometimes, in certain circumstances, you
4 know, there's forced placed insurance...

5 KL: Right, right.

6 MC: ... you know? But...

7 KL: But here's the thing, the only thing I'm saying is, like, I'm surprised that they
8 didn't catch...

9 ATT: I understand. Or they didn't really look at it...

10 KL: ... that situation...

11 ATT: ... did they not look at it? That's the thing.

12 KL: I think they did, but I mean maybe they just, I mean, because...

13 ATT: Maybe they just wanted to sell you that coverage...

14 KL: ... why that...

15 ATT: ... and looked at a binder that said she's got coverage...

16 KL: Right.

17 ATT: ... and not look actually what type of policy...

18 KL: Yeah.

19 ATT: ... it was.

20 KL: Yeah.

21 ATT: I, I can't answer that...

22 KL: Yeah, yeah...

23 ATT: ... I don't know.

24 KL: ... yeah, yeah. I mean, because, I mean, I live in the house.

25 MC: Yeah.

26 KL: You know?

27 MC: Okay.

Recorded Statement of Kelly Lyles
5630074898

1 KL: I mean, that was never, uh, that was never the case. They are not, they are
2 not, like, it's not a construction, you know, a teardown loan?

3 MC: Okay.

4 KL: You know? That's it.

5 MC: Alright. Anything else you want to add or state?

6 KL: No. Thank you, Mark.

7 MC: Alright. Uh, Carlos, is there anything?

8 ATT: No.

9 MC: Alright. It is, uh, now 11:37 and we will be ending the interview.

10

11 *Certificate of Accuracy*

12

13 *This is to state that I, Jason Riddell, transcribed the foregoing recorded statement*
14 *and completed it on October 12, 2022 and have herein rendered a complete and*
15 *accurate transcription of the auditory contents of the recorded statement to the*
16 *best of my ability. All proper names not spelled in the recording are typed as they*
17 *sound.*